

FILED

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10 MAR 26 AM 10:34

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: \_\_\_\_\_

Attorneys for Plaintiff  
EVAN D. TOWNSLEY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

EVAN D. TOWNSLEY, an individual,

Plaintiff,

v.

HYDRO INTERNATIONAL LLC, a  
California limited liability company;  
JASON COHEN, an individual;  
HOLLYWOOD HYDROPONICS aka  
HOLLYWOOD HYDROPONICS  
AND ORGANICS aka SOW CAL  
HYDRO, aka SOW CAL  
HYDROPONICS, an unknown  
business entity; ELOISE SHAIN, an  
individual; and DOES 1 through 10,  
inclusive,

Defendants.

CASE NO. **25CV 10-02212-AHM**  
*(1127)*

COMPLAINT FOR:

1. FEDERAL TRADEMARK INFRINGEMENT, 15 U.S.C. § 1114;
2. FEDERAL FALSE DESIGNATION OF ORIGIN, 15 U.S.C. § 1125(a);
3. STATE TRADEMARK DILUTION, CAL. BUS. & PROF. CODE § 14330;
4. UNFAIR BUSINESS PRACTICES, CAL. BUS. & PROF. CODE § 17200; and
5. COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION.

DEMAND FOR JURY TRIAL

1 Plaintiff Evan D. Townsley. for his Complaint, alleges as follows:  
2

3 **Jurisdiction**

4 1. This action arises under the Federal Trademark Act (the "Lanham Act"),  
5 as amended, 15 U.S.C. §§ 1051 *et seq.*, and related California statutory and common  
6 law. The Court has jurisdiction over the subject matter of this action pursuant to  
7 28U.S.C. §§ 1331 and 1338, as well as 15 U.S.C. §§ 1119 and 1121. The Court has  
8 supplemental jurisdiction over the California statutory and common law claims  
9 pursuant to 28 U.S.C. § 1367(a).  
10

11 **The Parties**

12 2. Plaintiff Evan D. Townsley ("Townsley") is an individual residing in  
13 Culver City, California.

14 3. Plaintiff is informed and believes, and on that basis alleges, that Hydro  
15 International LLC ("Hydro International") is a limited liability company, with a  
16 principal place of business located at 7751 Alabama Avenue, Canoga Park, California  
17 91304. Plaintiff is informed and believes, and on that basis alleges, that, at all times  
18 relevant hereto, Hydro International was, and is, doing business in this judicial  
19 district.

20 4. Plaintiff is informed and believes, and on that basis alleges, that Jason  
21 Cohen ("Cohen") is an individual, who on information and belief resides and/or has a  
22 place of business at 7751 Alabama Avenue, Canoga Park, California 91304. Plaintiff  
23 is further informed and believes that Cohen owns Hydro International, and directs,  
24 controls and participates in the infringing conduct of Hydro International as alleged  
25 below.

26 5. Plaintiff is informed and believes, and on that basis alleges, that  
27 Hollywood Hydroponics aka Hollywood Hydroponics and Organics aka Sow Cal  
28 Hydro, aka Sow Cal Hydroponics ("Hollywood Hydroponics"), an unknown business

1 entity, has places of business located at 5109 1/2 Hollywood Boulevard, Hollywood,  
2 California 90027 and 7914 Santa Monica Boulevard, West Hollywood, California  
3 90046. Plaintiff is informed and believes, and on that basis alleges, that, at all times  
4 relevant hereto, Hollywood Hydroponics was, and is, doing business in this judicial  
5 district.

6 6. Plaintiff is informed and believes, and on that basis alleges, that Eloise  
7 Shain ("Shain"), an individual, has business addresses of 5109 1/2 Hollywood  
8 Boulevard, Hollywood, California 90027 and 7914 Santa Monica Boulevard, West  
9 Hollywood, California 90046. Plaintiff is further informed and believes that Shain  
10 owns defendant Hollywood Hydroponics, and directs, controls and participates in the  
11 infringing conduct of Hydro International as alleged below.

12 7. Plaintiff is unaware of the true names and capacities, whether individual,  
13 corporate, associate, or otherwise, of defendants Does 1 through 10, inclusive, or any  
14 of them, and therefore sues these defendants, and each of them, by such fictitious  
15 name. Plaintiff will seek leave of Court to amend this Complaint when the identities  
16 of these defendants are ascertained. Hydro International, Hollywood Hydroponics,  
17 Cohen, Shain and Does 1-10 are referred to hereinafter collectively as "Defendants."

18 8. Plaintiff is informed and believes, and on that basis alleges, that each  
19 defendant conspired and acted in concert with each other to commit the wrongs  
20 against Plaintiff alleged herein, and in doing so were at all relevant times the agents,  
21 servants, employees, principals, joint venturers, alter egos, and/or partners of each  
22 other. Plaintiff is further informed and believes, and on that basis alleges, that in  
23 doing the things alleged in this Complaint, each defendant was acting within the  
24 scope of authority conferred upon that defendant by the consent, approval and/or  
25 ratification of the other defendants, whether said authority was actual or apparent.  
26  
27  
28

**Facts Common To All Claims For Relief**

9. Plaintiff is the owner of the retail store Hydroasis in Culver City, California which has been in business since 1995. Plaintiff, through his store Hydroasis, is in the business of designing, manufacturing, marketing, distributing and selling specialty products for the hydroponics industry, throughout the United States and in many other countries. Plaintiff markets and sells a variety of products, *inter alia*, fertilizers, plant food, plant nutrients, plumbing fittings for plant growing systems, and charcoal carbon air filtration systems used in greenhouse and hobby greenhouse applications, in connection with the PHAT brand.

10. Townsley began using the PHAT trademark at least as early as 1998 and, since that time, the PHAT mark has been used in connection with the marketing, sale and distribution of Townsley's aforementioned product line. Since its introduction, the PHAT brand has become a successful line and wholesalers, retailers and consumers in the hydroponics industry recognize the PHAT brand as coming from a single source.

11. Because of his use of the PHAT brand, Townsley owns exclusive common law rights to the mark PHAT in the hydroponics industry.

12. Townsley applied for and, in 2001, obtained federal trademark Registration No. 2,504,911 for the PHAT HYDRO® mark in International Class 021.

13. Townsley applied for and, in 2005, obtained federal trademark Registration No. 2,995,349 for the PHAT HYDRO® mark in International Class 001.

14. Townsley applied for and, in 2007, obtained federal trademark Registration No. 3,308,222 for the PHAT HYDRO® mark in International Class 011.

15. Townsley also owns a pending federal trademark application for the PHAT mark. Townsley's common law rights to the PHAT mark, and Trademark Registration Nos. 2,504,911, 2,995,349 and 3,308,222, are referred to hereinafter collectively as the "PHAT Marks."

1           16. Through control of product design and the use of high-quality materials  
2 and exacting manufacturing standards, Plaintiff has created products that the market  
3 trusts to be of the highest quality and standards. Plaintiff has expended considerable  
4 time, effort and financial resources to popularize the products sold under the PHAT  
5 Marks. Through Plaintiff's successful marketing and sales of products under the  
6 PHAT Marks, the marks have become well known and associated with Plaintiff, and  
7 are recognized as a distinctive indicator of the origin of high-quality goods. Under the  
8 PHAT brand, Plaintiff has carved a solid niche in today's hydroponics market.

9           17. In disregard of Plaintiff's exclusive rights in the PHAT Marks,  
10 Defendants are unlawfully exploiting Plaintiff's efforts by marketing, advertising,  
11 selling, offering to sell, importing and/or distributing products bearing the  
12 confusingly similar mark "Bloom Phat." The products include a fertilizer for use in  
13 hydroponic gardening.

14           18. Plaintiff is informed and believes, and on that basis alleges, that  
15 Defendants, by such conduct, are willfully and intentionally misappropriating  
16 Plaintiff's rights with the intent to profit therefrom.

17           19. The association of Plaintiff with the products sold under Defendants'  
18 Phat mark poses an immediate and serious threat to Plaintiff's business reputation and  
19 the goodwill built up in the PHAT Marks.

20           20. Accordingly, Plaintiff brings this action to enforce his rights and to stop  
21 the manufacture, distribution and sale of these infringing goods.

22  
23                                   **FIRST CLAIM FOR RELIEF**

24                                   **(Federal Trademark Infringement, 15 U.S.C. § 1114)**

25           21. Plaintiff re-alleges and incorporates herein by reference paragraphs 1-20  
26 of this Complaint.

1           22. Plaintiff's PHAT Mark is inherently distinctive and/or has acquired  
2 secondary meaning as to the source of all goods advertised, marketed, sold, or used in  
3 connection with the PHAT Mark.

4           23. Townsley has not authorized, licensed or given permission to  
5 Defendants to use the PHAT Mark in any manner whatsoever including, without  
6 limitation, on the infringing products being marketed, advertised, sold, imported or  
7 distributed by Defendants using the mark "Bloom Phat."

8           24. Defendants' use of an infringing version of the PHAT Marks in  
9 connection with Defendants' products sold under the "Bloom Phat" mark is likely to  
10 cause confusion, mistake or to deceive as to source, origin, affiliation, or sponsorship.

11           25. Townsley lacks an adequate remedy at law.

12           26. Unless an injunction is issued enjoining any continuing or future  
13 infringing use of the PHAT Marks by Defendants including the "Bloom Phat" mark,  
14 such use is likely to continue to cause confusion, mistake, or to deceive as to source,  
15 origin, affiliation, or sponsorship, thereby irreparably damaging Townsley.

16           27. As a direct and proximate cause of Defendants' infringing conduct,  
17 Townsley has been damaged and will continue to be damaged. Pursuant to 15 U.S.C.  
18 § 1116(a), Townsley is entitled to an order enjoining Defendants from using the  
19 PHAT Marks, or any mark confusingly similar thereto, including, without limitation,  
20 the mark "Bloom Phat" in connection with hydroponics, garden and greenhouse  
21 products. Pursuant to 15 U.S.C. § 1117(a), Townsley is entitled to an order requiring  
22 Defendants to account to Townsley for any and all profits derived by Defendants  
23 from their actions, and to an order awarding all damages sustained by Townsley by  
24 reason of the infringement caused by Defendants.

25           28. Townsley is informed and believes, and on that basis alleges, that  
26 Defendants' conduct alleged herein was intentional and in conscious disregard of  
27 Townsley's rights. Pursuant to 15 U.S.C. § 1117(a), Townsley is entitled to an award  
28 of treble damages and/or enhanced profits against Defendants.



1           29. Defendants' acts make this an exceptional case under 15 U.S.C.  
2   §1117(a), and Townsley is entitled to an award of attorneys' fees and costs.  
3

4                                   **SECOND CLAIM FOR RELIEF**

5                   **(Federal False Designation Of Origin, 15 U.S.C. § 1125(a))**

6           30. Plaintiff re-alleges and incorporate herein by reference paragraphs 1-29  
7 of this Complaint.

8           31. By virtue of the widespread and longstanding distribution of goods  
9 under the PHAT Marks, the PHAT Marks have come to identify the source of such  
10 goods and to distinguish those goods from those of others. By virtue of the quality of  
11 the products distributed under the PHAT Marks, the marks have come to identify the  
12 source of such goods as a supplier of high quality hydroponics, garden and  
13 greenhouse products and has also established enormous goodwill in the mark.

14           32. Defendants' promotion, marketing and advertising of its fertilizers under  
15 the mark "Bloom Phat," is a false designation of origin and false or misleading  
16 representation of fact that is likely to cause confusion, or to cause mistake, or to  
17 deceive as to an affiliation, connection, or association between Plaintiff and  
18 Defendants, and is likely to cause confusion, mistake or deception as to the origin,  
19 sponsorship or approval of Defendants' products by Plaintiff or, conversely, Plaintiff's  
20 products by Defendants.

21           33. Plaintiff is informed and believes, and on that basis alleges, that  
22 Defendants intended to, and did, confuse and mislead the public, and did represent  
23 and create the false impression that Plaintiff authorized, originated, sponsored,  
24 approved, licensed or participated in Defendants' use of a mark confusingly similar to  
25 the PHAT Marks in connection with Defendants' products.

26           34. In fact, there is no connection or association or licensing relationship  
27 between Plaintiff, on the one hand, and Defendants, on the other hand. Plaintiff has  
28 not authorized, licensed or given permission to Defendants to use the PHAT Marks,

1 or any mark similar thereto, in any manner whatsoever, including, without limitation,  
2 Defendants' use of the mark "Bloom Phat" in connection with fertilizers.

3 35. Thus, Defendants have created and will continue to create a false  
4 impression concerning an association between Plaintiff and Defendants, a false  
5 designation of the origin of Defendants' goods, and confusion as to a connection  
6 between the respective parties.

7 36. As a direct and proximate result of Defendants' creation of a false  
8 impression of association between Plaintiff and Defendants, and Defendants' use of a  
9 false designation of origin and false or misleading representation of fact in connection  
10 with Defendants' goods, Plaintiff has been damaged and will continue to be damaged.  
11 Pursuant to 15 U.S.C. § 1116(a), Plaintiff is entitled to an order enjoining Defendants  
12 from using the PHAT Marks, or any mark confusingly similar thereto, including,  
13 without limitation, the mark "Bloom Phat," in connection with marketing,  
14 advertising, selling or distributing hydroponics, garden and greenhouse products  
15 including, but not limited to, fertilizers. Pursuant to 15 U.S.C. § 1117(a), Plaintiff is  
16 entitled to an order requiring Defendants to account to Plaintiff for any and all profits  
17 derived by Defendants from their actions, and to an order awarding all damages  
18 sustained by Plaintiff and caused by Defendants' conduct.

19 37. Plaintiff is informed and believes, and on that basis alleges, that  
20 Defendants' conduct alleged herein was intentional and in conscious disregard of  
21 Plaintiff's rights. Pursuant to 15 U.S.C. § 1117(a), Plaintiff is entitled to an award of  
22 treble damages and/or enhanced profits against Defendants.

23 38. Defendants' acts make this an exceptional case under 15 U.S.C.  
24 § 1117(a), and Plaintiffs are entitled to an award of attorneys' fees and costs.  
25  
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**(State Trademark Dilution and Injury to Reputation,  
California Bus. & Prof. Code § 14330)**

40. The PHAT Marks constitute valid trademarks under state law, are distinctive and have acquired secondary meaning.

42. Defendants' actions constitute injury to business reputation and/or dilution within the meaning of California Business and Professions Code § 14330.

43. Pursuant to California Business and Professions Code § 14330, Plaintiff is entitled to an injunction prohibiting Defendants from continuing their infringing use of any mark dilutive of the PHAT Marks.

**(Unfair Business Practices, Violation  
of Cal. Bus. & Prof. Code § 17200 *et seq.*)**

45. Defendants' acts constitute unlawful, unfair and/or fraudulent business practices and misleading advertising pursuant to California Business and Professions Code § 17200.

46. Plaintiff has been damaged and will continue to be damaged by Defendants' unlawful, unfair and/or fraudulent business practices and misleading advertising as alleged herein.

1           47. Plaintiff is entitled to an injunction prohibiting Defendants from  
2 continuing the practices alleged herein, and Plaintiff is entitled to restitution of all  
3 amounts acquired by Defendants by means of such wrongful acts.

4  
5                                   **FIFTH CLAIM FOR RELIEF**

6                   **(Common Law Trademark Infringement and Unfair Competition)**

7           48. Plaintiff re-alleges and incorporates herein by reference paragraphs 1-47  
8 of this Complaint.

9           49. Defendants' acts constitute common law trademark infringement and  
10 unfair competition under state law.

11           50. Plaintiff has been damaged and will continue to be damaged by  
12 Defendants' infringing activities.

13           51. Plaintiff is entitled to an injunction prohibiting Defendants from  
14 continuing the wrongful practices described herein.

15           52. Plaintiff is also entitled to profits and damages arising from Defendants'  
16 wrongful use of a mark confusingly similar to the PHAT Marks.

17           53. Plaintiff is informed and believes, on that basis alleges, that Defendants'  
18 conduct was willful, wanton, malicious and in conscious disregard of Plaintiff's  
19 rights, thereby justifying an award of punitive and/or exemplary damages in an  
20 amount according to proof at trial.

21  
22                                   **Prayer For Relief**

23           WHEREFORE, Plaintiff Evan D. Townsley prays for relief against Defendants  
24 as follows:

25           A. For a preliminary and permanent injunction enjoining and restraining  
26 Defendants, and all their officers, directors, stockholders, owners, agents,  
27 representatives, servants and employees, and all those acting in concert or privity  
28 therewith, from directly or indirectly:

1           1.     infringing Plaintiff Townsley's trademark rights in any way  
2 including, without limitation, Townsley's rights, common law or otherwise, in the  
3 PHAT Marks;

4           2.     using any false or misleading designation of origin, or false or  
5 misleading description or statement, that can, or is likely to, lead the consuming  
6 public or individual members thereof, to believe that any product provided by  
7 Defendants is in any manner associated or connected with Plaintiff, or is sponsored,  
8 approved or authorized by Plaintiff;

9           3.     diluting in any way the distinctive quality of the PHAT Marks;

10          4.     engaging in any unfair business practices or any acts of unfair  
11 competition in any manner with respect to Plaintiff's product line or the PHAT  
12 Marks; and

13          5.     using the mark "Bloom Phat" in connection with hydroponic,  
14 garden and/or greenhouse products including, but not limited to, fertilizers.

15          B.     Ordering Defendants to file with the Court and to serve on counsel for  
16 Plaintiff, within thirty (30) days from entry of an injunction, a report setting forth the  
17 manner and form in which Defendants have complied with the injunction.

18          C.     For an order that, by the acts complained of herein, Defendants have  
19 infringed Plaintiff Townsley's trademark rights, in violation of 15 U.S.C. § 1114.

20          D.     For an order that, by the acts complained of herein, Defendants have  
21 infringed Plaintiff's rights, and engaged in acts of false designation of origin, in  
22 violation of 15 U.S.C. § 1125(a).

23          E.     For an order that, by the acts complained of herein, Defendants have  
24 diluted the distinctive quality of the PHAT Marks, in violation of Cal. Bus. and Prof.  
25 Code § 14330.

26          F.     For an order that, by the acts complained of herein, Defendants have  
27 engaged in unfair business practices against Plaintiff, in violation of Cal. Bus. and  
28 Prof. Code § 17200.

1 G. For an order that, by the acts complained of herein, Defendants have  
2 infringed Plaintiff's common law trademark rights and/or engaged in acts of common  
3 law unfair competition against Plaintiff.

4 H. For an order awarding Plaintiff general and/or specific damages in  
5 accordance with proof, including enhanced and/or exemplary damages, as  
6 appropriate, as well as all of Defendants' profits or gains of any kind from  
7 Defendants' acts of trademark infringement, false designation of origin, and unfair  
8 business practices; and further for an order that such acts were willful and wanton,  
9 thereby justifying an award, where appropriate, of treble or enhanced damages.

10 I. For an order awarding Plaintiff restitution of all amounts obtained by  
11 Defendants by means of their wrongful acts described herein;

12 J. For an order awarding Plaintiff his costs and attorneys' fees incurred in  
13 prosecuting this action.

14 K. For an order awarding Plaintiff pre-judgment interest.

15 L. For an order awarding such other relief as the Court deems just and  
16 proper.

17  
18 DATED: March 25, 2010

19 JEFFER, MANGELS, BUTLER & MARMARO LLP  
20 ROD S. BERMAN  
21 SUSAN J. ALLISON  
22 JESSICA C. BROMALL

23 By: 

24 ROD S. BERMAN  
25 Attorneys for Plaintiff EVAN D. TOWNSLEY  
26  
27  
28

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff  
hereby demands trial by jury.

DATED: March 25, 2010

JEFFER, MANGELS, BUTLER & MARMARO LLP  
ROD S. BERMAN  
SUSAN J. ALLISON  
JESSICA C. BROMALL

By: \_\_\_\_\_

ROD S. BERMAN  
Attorneys for Plaintiff EVAN D. TOWNSLEY

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge A. Howard Matz and the assigned discovery Magistrate Judge is Ralph Zarefsky.

The case number on all documents filed with the Court should read as follows:

**CV10- 2212 AHM (RZx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :  
**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.



JEFFER, MANGELS, BUTLER & MARMARO LLP  
 ROD S. BERMAN (Bar # 1054 ), rxb@jmbm.com  
 SUSAN J. ALLISON (Bar # 133448), sja@jmbm.com  
 JESSICA C. BROMALL (Bar #235017), jzb@jmbm.com  
 1900 Avenue of the Stars, Seventh Floor  
 Los Angeles, California 90067-4308  
 Tel: (310) 203-8080; Fax: (310) 203-0567

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

EVAN D. TOWNSLEY, an individual,

PLAINTIFF(S)

v.

HYDRO INTERNATIONAL LLC, a California limited liability company; JASON COHEN, an individual; HOLLYWOOD HYDROPONICS aka HOLLYWOOD HYDROPONICS AND ORGANICS aka SOW CAL HYDRO, aka SOW CAL HYDROPONICS, an unknown business entity; ELOISE SHAIN, an individual; and DOES 1 through 10, inclusive,

DEFENDANT(S).

CASE NUMBER

**CV 10-02212-AHM-RZ**

SUMMONS

TO: DEFENDANT(S): \_\_\_\_\_

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Rod S. Berman, Esq., whose address is Jeffer, Mangels, Butler & Marmaro LLP 900 Avenue of the Stars, Seventh Floor, Los Angeles, California 90067-4308. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: **12<sup>th</sup> MAR 2010**

By: \_\_\_\_\_

**MARION DAVIS**  
 Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)  
EVAN D. TOWNSLEY, an individual

DEFENDANTS HYDRO INTERNATIONAL LLC, a California limited liability company, JASON COHEN, an individual; HOLLYWOOD HYDROPONICS aka HOLLYWOOD HYDROPONICS AND ORGANICS aka SOW CAL HYDRO, aka SOW CAL HYDROPONICS, an unknown business entity, ELOISE SHAIN, an individual; and DOES 1 through 10, inclusive

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

JEFFER, MANGELS, BUTLER & MARMARO LLP  
ROD S. BERMAN (Bar # 105444), rxb@jmbm.com  
SUSAN J. ALLISON (Bar # 133448), sja@jmbm.com  
JESSICA C. BROMALL (Bar #235017), jzb@jmbm.com  
1900 Ave. of the Stars, 7th Floor, Los Angeles, CA 90067  
Tel: (310) 203-8080; Fax: (310) 203-0567

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify):  
☐ 6 Multi-District Litigation  
☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☒ MONEY DEMANDED IN COMPLAINT: \$ According to Proof

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Federal Trademark Infringement, 15 U.S.C. § 1114; Federal False Designation of Origin, 15 U.S.C. § 1125(a); State Trademark Dilution Cal. Bus. & Prof. Code § 14330; Unfair Business Practices, Cal. Bus. & Prof. Code § 17200

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 22 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 863 DIWC/DIWW 405(g))
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land				
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 245 Tort Product Liability				
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 290 All Other Real Property				
<input type="checkbox"/> 950 Constitutionality of State Statutes					

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s):

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:\*

California County outside of this District; State, if other than California; or Foreign Country

Los Angeles County, California - Evan D. Townsley

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:\*

California County outside of this District; State, if other than California; or Foreign Country

Los Angeles County, California - Hydro International LLC  
 Los Angeles County, California - Jason Cohen  
 Los Angeles County, California - Hollywood Hydroponics aka  
 Hollywood Hydroponics and Organics aka Sow Cal Hydro, aka  
 Sow Cal Hydroponics  
 Los Angeles County, California - Eloise Shain

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:\*

California County outside of this District; State, if other than California; or Foreign Country

Los Angeles County, California

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
 Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date March 25, 2010

ROD S. BERMAN, ESQ. of Jeffer, Mangels, Butler & Marmaro LLP

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))